

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA  
VIDAL, *et al.*,

Plaintiffs,

v.

DAVID PEKOSKE, *et al.*,

Defendants.<sup>1</sup>

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

**NOTICE**

Defendants respectfully notify the Court and the Plaintiffs that, on January 20, 2021, President Joseph R. Biden, Jr. signed a Memorandum on the subject of “Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA).” The Memorandum orders that “[t]he Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA.” Although the

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<sup>1</sup> In both of the above-captioned matters, pursuant to Federal Rule of Civil Procedure 25(d), President Joseph R. Biden, Jr. is automatically substituted as a Defendant in his official capacity for former President Donald J. Trump, and Acting Secretary of Homeland Security David Pekoske is automatically substituted as a Defendant in his official capacity for former Acting Secretary of Homeland Security Peter T. Gaynor. In addition, in the *Batalla Vidal* matter, as of this filing, the position formerly occupied by official-capacity Defendant Joseph Edlow—Deputy Director for Policy, U.S. Citizenship and Immigration Services—is vacant.

Memorandum has not yet been published in the Federal Register, the full text is available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>, and is also attached to this notice as Exhibit 1.

Dated: January 21, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

SETH D. DuCHARME  
Acting United States Attorney

BRAD P. ROSENBERG  
Assistant Branch Director

/s/ Stephen M. Pezzi  
GALEN N. THORP  
Senior Trial Counsel  
STEPHEN M. PEZZI  
RACHAEL L. WESTMORELAND  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
Phone: (202) 305-8576  
Fax: (202) 616-8470  
Email: [stephen.pezzi@usdoj.gov](mailto:stephen.pezzi@usdoj.gov)

JOSEPH A. MARUTOLLO  
Assistant U.S. Attorney  
United States Attorney's Office  
Eastern District of New York  
271-A Cadman Plaza East, 7th Floor  
Brooklyn, NY 11201  
Phone: (718) 254-6288  
Fax: (718) 254-7489  
Email: [joseph.marutollo@usdoj.gov](mailto:joseph.marutollo@usdoj.gov)

*Attorneys for Defendants*